

**Congress of the United States**  
**Washington, DC 20515**

July 1, 2026

The Honorable Markwayne Mullin  
Secretary  
U.S. Department of Homeland Security  
2707 Martin Luther King Jr. Ave, S.E.  
Washington, DC 20528

David J. Venturella  
Senior Official Performing Duties of the Director  
U.S. Immigration and Customs Enforcement  
500 12th Street, SW  
Washington, DC 20536

Dear Secretary Mullin and Mr. Venturella,

U.S. Immigration and Customs Enforcement (ICE) provided unconvincing and evasive responses to our questions — asked in separate oversight letters — about whether the Department of Homeland Security (DHS) has created a “domestic terrorists” database. In response to Senator Markey’s letter, ICE evaded the question.<sup>1</sup> In response to Representative Frost’s letter, ICE denied maintaining any database of protesters, but that denial is narrow, suggesting ICE may have relabeled a protester database as a database of individuals who purportedly threatened ICE officers.<sup>2</sup> ICE also failed to answer questions about the agency’s response to an incident in Portland, Maine in which an ICE officer threatened to add a woman’s personal information to a “nice little database” labeling her a domestic terrorist. These attempts to evade congressional oversight are unacceptable. The public deserves clear and consistent answers about ICE’s surveillance activities and its infringement of Americans’ civil liberties.

Over the past few months, ICE has taken confusing positions on the existence of a domestic terrorist database. After President Donald Trump’s appointed “Border Czar” stated that he was “pushing for” a database of individuals arrested at protests<sup>3</sup> and the ICE officer in Portland, suggested he would add a protester to a database,<sup>4</sup> ICE denied the existence of such a

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<sup>1</sup> Letter from Senator Edward J. Markey to Todd Lyons, Acting Director, U.S. Immigration and Customs Enforcement (Feb. 3, 2026), [https://www.markey.senate.gov/imo/media/doc/letter\\_to\\_dhs\\_on\\_domestic\\_terrorist\\_database.pdf](https://www.markey.senate.gov/imo/media/doc/letter_to_dhs_on_domestic_terrorist_database.pdf).

<sup>2</sup> Letter from Representative Maxwell Alejandro Frost to Kristi Noem, Secretary, U.S. Department of Homeland Security (Feb. 10, 2026), <https://www.documentcloud.org/documents/28221053-frost-letter-to-dhs-2102026/>.

<sup>3</sup> Jeff Winter & Priscilla Alvarez, *Alex Pretti broke rib in confrontation with federal agents a week before death, sources say*, CNN (Jan. 27, 2026), <https://www.cnn.com/2026/01/27/us/alex-pretti-protesters-minneapolis-invs>.

<sup>4</sup> Nathan Bernard (@nathanTbernard), X (Jan. 23, 2026 10:11 AM), <https://x.com/nathanTbernard/status/2014717658323665399>.

database in testimony before congressional oversight committees earlier this year.<sup>5</sup> Similarly, in response to Representative Frost’s oversight letter, the former Acting Director of ICE, Todd Lyons, stated that ICE “does not maintain any kind of database of U.S. citizens protesting ICE activities.”<sup>6</sup> By contrast, in response to Senator Markey’s oversight letter, ICE answered that it does not “approve adding individuals or entities to the U.S. government’s Terrorist Screening Dataset (TSDS),” noted that the TSDS is maintained by multiple agencies, and explained that all nominations to TSDS are subject to an established review process — effectively sidestepping the question.<sup>7</sup> ICE’s shifting and carefully worded responses prevent Congress and the public from determining the extent of ICE’s surveillance activities.

Moreover, even ICE’s denial of a “domestic terrorists” database to Representative Frost leaves the agency with significant room to track Americans. Notably, in its response to Representative Frost’s letter, ICE stated that during ICE protests, “ICE collected information to identify individuals reasonably believed to be involved in, or directly supporting, potential violations of federal law and to address officer safety and facility security concerns.”<sup>8</sup> In other words, if an ICE officer “reasonably believed” that a protester created a risk to officer safety or an ICE facility, they could collect information on the individual. Given the Trump administration’s history of referring to nonviolent protesters as criminals and labeling protests as threats to ICE officers, this practice grants significant discretion for DHS and ICE to develop a database of protesters under the guise of tracking threats against federal immigration officers.<sup>9</sup> This gaping loophole in ICE’s policies makes it even more important that the agency turn over its January 2026 memo urging immigration agents to collect information on protesters in Minneapolis, Minnesota — a request ICE has also failed to answer.<sup>10</sup>

ICE similarly used careful language to sidestep questions in its response regarding the Portland incident. According to ICE, the agency’s Office of Professional Responsibility (OPR) “received information regarding the incident in Portland and referred the incident to the Department of Homeland Security’s Office of Inspector General (OIG). OIG reviewed and assessed the information and subsequently referred the complaint back to OPR for investigation.”<sup>11</sup> This language appears to suggest that OPR is investigating the officer involved in the Portland incident, but the letter does not actually say so. Although we recognize, as ICE

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<sup>5</sup> See, e.g., Lindsey Wilkinson, Acting ICE director denies existence of database tracking US citizens, FedScoop (Feb. 10, 2026), <https://fedscoop.com/ice-dhs-database-surveillance-technology-hearing/>.

<sup>6</sup> Letter from Todd M. Lyons, Senior Official Performing the Duties of the Director, U.S. Immigration and Customs Enforcement, to Representative Maxwell Alejandro Frost (Apr. 21, 2026), <https://www.documentcloud.org/documents/28221052-lyons-response-to-frost-42126/>.

<sup>7</sup> Letter from John M. Cooper, Assistant Director, Office of Congressional Relations, U.S. Immigration and Customs Enforcement, to Senator Edward J. Markey (May 22, 2026) [https://www.markey.senate.gov/imo/media/doc/ice\\_response\\_to\\_sen\\_markey\\_52226.pdf](https://www.markey.senate.gov/imo/media/doc/ice_response_to_sen_markey_52226.pdf).

<sup>8</sup> Letter from Todd M. Lyons, *supra* note 6.

<sup>9</sup> See, e.g., David J. Bier, *The Government Unconstitutionally Labels ICE Observers as Domestic Terrorists*, Cato Institute (Dec. 15, 2025), <https://www.cato.org/blog/dhs-policy-threatening-arresting-ice-observers-violates-their-rights>; Matthew Cunningham-Cook, *DHS Says Making and Posting Videos of ICE Agents is “Violence”*, The Center for Media and Democracy (Sept. 9, 2025), <https://www.exposedbycmd.org/2025/09/09/dhs-says-making-and-posting-videos-of-ice-agents-is-violence/>.

<sup>10</sup> Jeff Winter and Priscilla Alvarez, *supra* note 3.

<sup>11</sup> Letter from John M. Cooper, *supra* note 7.

explains, that the agency “cannot comment on any specifics of an ongoing investigation,” it is not clear that there is any ongoing investigation.<sup>12</sup> At the very least, ICE should confirm or deny whether such an investigation exists. Additionally, we urge DHS and ICE to further investigate whether any DHS or ICE order or directive to collect data on protesters contributed to the officer’s action, including the January 2026 memo.<sup>13</sup> The public deserves a full accounting of this concerning incident. As any investigation proceeds, we expect timely updates on its scope, timeline, and findings.

Compliance with congressional oversight is not optional, and ICE’s refusal to answer direct questions about its own practices is unacceptable. This letter gives DHS and ICE another chance to reconcile their varying responses and provide Congress and the American people one clear answer on whether the administration is infringing on their civil liberties. Please provide complete responses to the following questions in writing by July 15, 2026:

1. Has DHS, ICE, or any component agency of DHS created, or are any of those entities maintaining their own database, list, or record of individuals engaged in protest activity, outside of the TSDS or other lists administered by the Federal Bureau of Investigation or any other federal entity?
  - a. If so, how many U.S. citizens has ICE, DHS, or any component agency added to the database, list, or record of individuals?
  - b. If so, what criteria does ICE, DHS, or any component agency use for inclusion in the database, list, or record of individuals?
  - c. What oversight has been conducted on the database, list, or record of individuals? What mechanisms exist to ensure individuals are appropriately added and removed from the database, list, or record of individuals?
2. Does DHS, ICE, or any component agency maintain any database, list, or record of individuals identified as threats to officer or facility safety, including those who have not been accused of any crime?
  - a. If so, when did DHS, ICE, or any component agency create this database?
  - b. If so, how many U.S. citizens are included in any such records?
  - c. If so, what standard does ICE apply to determine that an individual is “reasonably believed” to pose such a threat?
  - d. If so, has an individual’s filming, observation, or protest of ICE activity, absent any accompanying criminal conduct, ever served as a basis for

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<sup>12</sup> *Id.*

<sup>13</sup> Jeff Winter and Priscilla Alvarez, *supra* note 3.

collecting or retaining that individual's personal information on officer-safety or facility-security grounds?

3. Please provide a copy of the internal January 2026 memo circulated to ICE personnel, as well as any related directives instructing agents to collect personal information about protesters, bystanders, or individuals filming ICE activity.
4. Please provide a status update on OPR's investigation, if any, into the Portland, Maine, incident.
  - a. Has OPR opened an investigation into the incident?
  - b. If OPR is investigating the Portland incident, what is its timeline for completion?
  - c. If OPR is investigating the Portland incident, will ICE commit to sharing its outcome with Congress and the public? If so, please provide a timeline for sharing that information.
  - d. Is ICE investigating what led the individual agent to collect information on Portland protesters, including any directives from leadership to do so?

Thank you for your attention to this important issue.

Sincerely,



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Edward J. Markey  
United States Senator



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Maxwell Alejandro Frost  
Member of Congress